

REMARKS

The applicants have studied the Office Action dated November 24, 2003. Claims 1, 22, 31 and 32 have been amended. It is submitted that the application is in condition for allowance. Reconsideration and allowance of all of the claims in view of the following remarks are respectfully requested.

Independent claims 1, 22, 31, and 32 have been amended to more clearly include using the round trip delays of the mobile stations to determine whether the mobile stations are in handoff mode or not. This mechanism is neither taught nor suggested by the prior art cited. Accordingly independent claims 1, 22, 31, and 32 are patentable as are all dependant claims.

No new matter is added. Support for the amendments is found on page 5 lines 11-23 of the specification:

"The third mechanism includes a load-balancing broker that receives the indication. The load-balancing broker communicates with a pilot database and selector elements. The selector elements are positioned on a base station controller and are in communication with channel elements of a base station transceiver subsystem associated with the cell and the corresponding frequency. The load-balancing broker includes a mechanism for finding mobile stations that are not currently undergoing handoff, that are operating within a predetermined restricted region about the base station transceiver subsystem, and that are associated with frequencies specified via the indication. Mobile stations operating within a restricted region have round trip delays (RTD's) less than a configurable round trip delay threshold. Upon finding these mobile stations and available target frequencies, the load-balancing broker issues a load shed request to the selector elements that are handling calls to these mobile stations."

In view of the foregoing, it is respectfully submitted that the application and all of the claims are in condition for allowance. Reexamination and reconsideration of the application are requested.

If there are any fees due in connection with the filing of this response, please charge such fees to our Deposit Account No. 17-0026. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for, such an extension is requested and the fee should also be charged to our Deposit Account. A duplicate copy of this page is enclosed.

Respectfully submitted,

Dated: March 23, 2004
QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 651-1179
Facsimile: (858) 658-2502

By: Nicholas J. Pauley
Nicholas J. Pauley
Registration No. 44,999
(858) 845-8405

BEST AVAILABLE COPY